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UTILITY PATENT APPLICATION TRANSMITTAL

Submit an original and a duplicate for fee processing
(Only for new nonprovisional applications under 37 CFR 1.53(b))

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Attorney Docket No. 99,089

First Named Inventor Mark O. Vogel

Express Mail No. EL007910624US

Total Pages 64

APPLICATION ELEMENTS

1. Transmittal Form in duplicate with Fee
2. Specification (including claims and abstract) [Total Pages 42]
3. Formal Drawings [Total Sheets 15]
4. Oath or Declaration [Total Pages 2]
 - a. Newly executed
 - b. Copy from prior application

[Note Boxes 5 and 17 below]

 - i. Deletion of Inventor(s) Signed statement attached deleting inventor(s) named in the prior application
5. Incorporation by Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. Microfiche Computer Program
7. Nucleotide and/or Amino Acid Sequence Submission
 - a. Computer Readable Copy
 - b. Paper Copy
 - c. Statement verifying above copies

17. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information:
 Continuation Divisional Continuation-in-part of prior application Serial No. _____

ACCOMPANYING APPLICATION PARTS

8. Assignment Papers
9. Power of Attorney
10. English Translation Document (if applicable)
11. Information Disclosure Statement (IDS)
 - PTO-1449 Form
 - Copies of IDS Citations
12. Preliminary Amendment
13. Return Receipt Postcard (Should be specifically itemized)
14. Small Entity Statement(s)
 - Enclosed
 - Statement filed in prior application; status still proper and desired
15. Certified Copy of Priority Document(s)
16. Other: Certificate of Express Mail

APPLICATION FEES				
BASIC FEE				\$760.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	26	-20=	6	x \$18.00 \$108.00
Independent Claims	2	- 3=		x \$78.00 \$
<input type="checkbox"/> Multiple Dependent Claims(s) if applicable				+\$270.00 \$
				Total of above calculations = \$868.00
				Reduction by 50% for filing by small entity = \$(\$)
<input type="checkbox"/> Assignment fee if applicable				+\$40.00 \$
				TOTAL = \$868.00

UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 99,089

18. Please charge my Deposit Account No. 13-2490 in the amount of \$

19. A check in the amount of \$868.00 is enclosed.

20. The Commissioner is hereby authorized to credit overpayments or charge any additional fees of the following types to Deposit Account No. 13-2490:

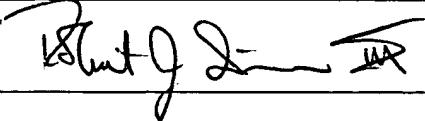
- Fees required under 37 CFR 1.16.
- Fees required under 37 CFR 1.17.
- Fees required under 37 CFR 1.18.

21. The Commissioner is hereby generally authorized under 37 CFR 1.136(a)(3) to treat any future reply in this or any related application filed pursuant to 37 CFR 1.53 requiring an extension of time as incorporating a request therefor, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 13-2490 for any fee that may be due in connection with such a request for an extension of time.

22. CORRESPONDENCE ADDRESS

Name	McDonnell Boehnen Hulbert & Berghoff
Address	32 nd Floor, 300 South Wacker Drive
City, State, Zip	Chicago, Illinois 60606

23. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name	Robert J. Irvine Registration No. 41,865
Signature	
Date	May 25, 1999

UTILITY (Rev. 11/18/97)

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"
(NEW PATENT APPLICATION)**

Express Mail No. EL007910624US

Deposited May 25, 1999

I hereby certify that the attached correspondence, identified below, is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" under 37 CFR § 1.10 on the date indicated above and is addressed to the Asst. Commissioner for Patents, Box New Application, Washington, DC 20231.

By: 
(person *actually* depositing)

Patent Application of: Mark O. Vogel

Title: Method for Dynamic Performance Optimization in a Data-Over-Cable System

- (1) Utility Patent Application Transmittal in duplicate;
- (2) Specification including Claims and Abstract (42 sheets);
- (3) Formal Drawings (15 sheets);
- (4) Executed Declaration and Power of Attorney (2 sheets);
- (5) Filing Fee Check in the amount of \$868.00;
- (6) Return Postcard.

Attorney Docket No.: 99,089